

**What do you want Ofcom to keep confidential?:**

Keep name confidential

**If you want part of your response kept confidential, which parts?:**

**Ofcom may publish a response summary:**

Yes

**I confirm that I have read the declaration:**

Yes

**Ofcom should only publish this response after the consultation has ended:**

You may publish my response on receipt

**Additional comments:**

I would like to make a general comment Digital Rights Management (DRM).  
The principle argument presented by the industry when defending DRM systems is a moral argument: it's not "fair" that people be able to lend, share and distribute their work.

There is no moral question in this debate - they simply want to increase their profit. File sharing continues regardless of the DRM-systems employed. The only type of sharing hindered is the normal, traditional sharing between friends which used to be common and 100% legal. If the sales increase as a result of DRM (a highly questionable assumption) then it is not due to purchases by former file-sharers (who always crack the protection and continue their former activities), but it is instead due to normal people being forced to buy extra copies of content for every member of the family or every computer in the house!

There is no reason for anyone (other than the content producers) to want DRM. A quick examination of the prices of recent video games (such as Electronic Arts' "Spore") shows that content is not priced any lower when DRM is used. Whether or not we introduce DRM in the UK, the content will still be available (the market is too large for producers to boycott) and the price will be the same. We would spend a huge expense on changing our TV-network infrastructure and reap no benefit from it whatsoever (only considerable losses of functionality)!

**Question 1: Do you agree that copy management would broaden the range of HD content available on DTT and help secure its long term viability as a platform? :**

No, DRM would only restrict the range of content, and hinder the viability. There is no evidence that "copy management" ("DRM" hereafter) would make any impact on the availability of content. The programmes will be produced for worldwide distribution, including places where DRM is not employed for TV broadcasts (such as the USA). Once the programme is produced, it is in the producer's financial interests to distribute as widely as

possible, regardless of whether or not DRM is employed. In short, the programming will be available anyway, at whatever price the producers manage to sell it, independent of DRM usage.

Because DRM would severely restrict the functionality of DDT, its adoption would be heavily reduced. Consumers would rather stick to Standard Definition, where they know that they can use their equipment freely, as they have always done. The benefits in picture quality are more than negated by the loss of functionality due to DRM. Therefore, the viability of the platform would be extremely low.

**Question 2: Do you agree that the BBC's proposed multiplex licence amendment represents the most appropriate means for securing an effective content management system on HD DTT? :**

It would be absolutely useless and would only stop consumers from being able to modify or build their equipment. Everything would have to be bought from large electronics manufacturers, who would increase the pricing of equipment as a direct result of having to introduce new, unnecessary "non-functions" into their products. They would be artificially reducing functionality on their own products (and only in the UK - in all other countries, such as the USA, no DRM will be used - hence an even larger increase in cost). Please note that the "pirates" will circumvent any DRM technologies employed, and file sharing will continue unhindered - as with every single other DRM technology used to date!

**Question 3: Do you agree with the proposed change to Condition 6 in the Multiplex B Licence? :**

I most strongly disagree with the proposal for several reasons. Firstly, it would go against the fundamental BBC principles of providing as much value as possible to its viewers. Unlike other services (Sky, Virgin, etc.) the BBC service is imposed on every member of the British public, along with a mandatory payment of its license fee. One can opt not to use, and therefore avoid paying for, Sky or Virgin with their DRM-crippled services, but one must always use the BBC. Therefore, the BBC cannot be compared to commercial services, and must remain open, free and accessible to everyone, regardless of the commercial choices of its commercial counterparts.

**Question 4: Do you agree that Multiplexes C and D should be granted a similar amendment to their Licences as Multiplex B?. :**

Just as with Multiplex B, I am wholly against the proposed changes to Multiplexes C and D, for the reasons outlined above. I would also like to point out that by making universal the usage of encryption for television services, small and UK-based receiver manufacturers will be forced to close their business, or acquire expensive license keys. The content producers have no moral or legal right to ruin these businesses for their own financial gain, and the BBC has no right or reason to accommodate for the whims of the "creative industries".

**Question 5: Do you agree that the BBC's proposed approach for implementing content management would safeguard citizens and consumers legitimate use of HD content, and if not, what additional guarantees would be appropriate? :**

The BBC proposal completely disregards the freedom that consumers have always enjoyed, and have a right to continue to enjoy. The entire DRM-based proposal should be scrapped, for it makes us pay vast sums of our own cash to reduce our equipment's functionality and supposedly increase the industry's profits. The only guarantee that the public will be willing to accept is the promise of service to continue as it always has done, and always should do.

**Question 6: Do you agree that the BBC's proposed choice of content management technologies will have only a negligible impact on the cost of HD DTT receivers and their interoperability with other HD consumer equipment? . :**

I fail to see how the impact on cost will be "negligible" - for the scheme to be effective, the entire existing range of equipment would have to be replaced (including televisions worth hundreds or even thousands of pounds). This is because every single piece of equipment would need to support the encryption systems. Most existing equipment doesn't have the necessary encryption support, and where the technology is present, it is already obsolete and inadequate - existing encryption schemes have already been cracked. The DRM always gets cracked within months, if not weeks or days. I am not willing to replace my television every few months, and nor will the rest of the 65 million residents of this country.

**Question 7: Do stakeholders agree that the BBC's proposed Huffman Code licensing arrangements would have a negligible effect on the market for HD DTT receivers? :**

The proposal would force the UK into its own, separate market for receivers, since those from the USA, the rest of Europe and the rest of the world would not be compatible with the proposed technology. This would severely reduce competition, dramatically raise prices and probably force the UK to wait for a few months after the release of any new product (like televisions), as the electronics create a special UK-version of their product that works with the encryption. Why should the British people have to wait weeks or months for products being enjoyed in other countries right now?

**Question 8: Do the BBC's proposed content management states and their permitted use for different categories of HD content meet the requirements of other HD broadcasters on DTT? . :**

Whether the needs of other broadcasters are met by the BBC is not an issue. What the BBC should be concerned with is whether or not the requirements of myself and the rest of the license-fee-paying British public are met. The BBC is meant to give us what we want and pay for, and they should not be imposing this sort of nonsense on us. As mentioned above, we have the option not to use other HD broadcasters, but we have to pay for the BBC, so they in turn must give us freedom with the content we pay for with our license fees.

**Question 9: Are there any issues that you consider Ofcom should take into account in assessing the BBC's proposal, that have not been addressed by this consultation?:**

Firstly, the BBC is supposed to be acting on our side during these negotiations, not the side of the industries. The fact that they are simply passing every wild request from the industry to Ofcom shows that there is either severe incompetence in BBC's management, or else a serious conflict of interest. However, I realise that Ofcom may not be able to do much about this.

What the whole debate boils down to is a question of the lengths Copyright holders should be permitted to go to in order to "defend their content" (i.e. make more money). Their primary source of income is the television channels who pay huge sums of money to be able to air their programmes. Copyright exists so that these channels have to pay these royalties before airing someone else's programmes.

However, the rights afforded to copyright holders do not extend as far as allowing them to police and monitor every piece of equipment that relates to their type of content. If "piracy" is having a negative impact on the music and film markets, it cannot make a dent on the television shows, which are only bought by broadcasters (BBC, ITV, etc.). Even if a show is made freely available on the internet, the vast majority of the population will want to watch it on their television sets, so the channels will buy and broadcast the programme anyway! The losses made by television show producers due to piracy are negligible, if existent at all, and one cannot make the slightest comparison between these losses and the loss of functionality experienced by the consumer (i.e. the license payer!)